

Regulatory position statement

The use of treated waste tar bound road planings in construction operations

If you comply with the requirements below, we will allow the use of waste tar bound road planings (where they are hazardous waste and have been treated at a suitably permitted facility so that they are fit for re-use) to be used in construction operations without the need for an environmental permit.

Background

There is currently an exemption which allows the use on non-hazardous road planings for construction purposes¹. Waste tar bound road planings are hazardous waste (EWC code 17 03 01* Bituminous mixtures containing coal tar) where the level of coal tar is >0.1%. Even when they are treated, normally by using a binding agent such as cold bitumen foam mix, they are still considered to be hazardous waste. Their subsequent use in construction operations requires an environmental permit.

Our approach

We will not pursue an application for an environmental permit for the activity where:

- The waste tar bound road planings are treated at a suitably permitted facility.
- The treated planings meet the [Specification for Highways Works Series 900: bituminous bound materials](#), before re-use.
- The subsequent movement of the treated planings is covered by a hazardous waste consignment note.
- You meet the relevant objectives of the Waste Framework Directive;
'... ensuring that waste management is carried out without endangering human health, without harming the environment and in particular:
 - (i) without risk to water, air, soil, plants or animals;
 - (ii) without causing a nuisance through noise or odours; and
 - (iii) without adversely affecting the countryside or places of special interest.'

1. Exemption U1 – [Use of waste in construction](#) allows the use of up to 50,000 tonnes of Bituminous mixes other than those containing dangerous substances and road sub base.

Enforcement

In not pursuing an application for a permit, we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please see our [Enforcement and Sanctions](#) statement. This can be found on the '[How we regulate you](#)' page in the Business & Industry section of our web site.

A quality protocol (QP) for asphalt waste containing coal tar is currently being considered by the Quality Protocols team. This regulatory position statement is an interim position pending the outcome of the quality protocol process and will be withdrawn once a decision is made whether to give a QP or not. For more information on the QP process please go to [Environment Agency - Asphalt waste containing coal tar](#)

This regulatory position will be reviewed by 30 April 2012 or once the outcome of the QP determination process is announced.

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